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Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bryan V. Hunt, et al.

PHOTOTHERMOGRAPHIC
MATERIALS WITH IMPROVED
IMAGE TONE

Serial No. 10/686,806

Filed 16 October 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

Group Art Unit: 1752

Examiner: Chea, Thorl

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sherryl A. Payne
Sherryl A. Payne
March 22, 2005
Date

DECLARATION UNDER 37 C.F.R. 1.132

I, Bryan V. Hunt, declare that:

(1) I am a co-inventor of the invention described and claimed in the present application, along with Lilia P. Burleva and Mark C. Skinner.

(2) I received a B.S. degree in Chemical Engineering from the University of Minnesota in 1992.

(3) From April 1992 to July 1996, I was employed by 3M Company; from July 1996 to December 1998, I was employed by Imation Corporation; and from December 1998 to the present, I have been employed by Eastman Kodak Company, all in facilities located near St. Paul, Minnesota.

(4) During my employment with 3M Company, Imation Corporation, and Eastman Kodak Company, I have been involved in research and development work in the area of imaging science and materials, and particularly in research and development of photothermographic materials and products. In

the course of that work, I have been an inventor or co-inventor of at least 10 inventions that are the subject of granted U.S. patents, pending U.S. patent applications, or published patent applications in other countries.

(5) In view of this academic and professional technical experience, I can say, with appropriate modesty, that I am a worker having at least ordinary skill in the art to which the present invention pertains, namely photothermography and components used therein.

(6) I am familiar with the Office Action dated December 28, 2004 that has been received during the prosecution of the present application, and the art cited therein, and I believe that I understand the Examiner's arguments in support of his rejections of the presently claimed invention.

(7) I am familiar with the commercial photothermographic material identified in Col. 21, lines 13ff of U.S. Patent 6,284,442 (Van Ackere et al.) that is identified as IMATION DRYVIEWTM Laser Imaging Film and modified for use in Example 14 of that patent.

This version of the identified commercial photothermographic material was developed and sold by my employer at least as early as 1997.

Because of my familiarity with that identified commercial photothermographic film, I know from my personal knowledge and understanding of the chemistry and layer arrangement of that film, that it did not have chemical components in the single photothermographic imaging layer that would provide an absorbance of at least 1.0 at the exposure wavelength used in the identified DRYVIEWTM 8700 Laser Imager.

(8) I am also familiar with the teaching of the photothermographic materials in U.S. Patent 5,891,615 (Winslow et al.) including the photothermographic materials described in the examples of that patent.

Because of my familiarity with the technology represented by the teaching in this patent and its specific teaching, I know from my personal knowledge and understanding of the chemistry and layer arrangement of the described films, that they did not have chemical components in a single photothermographic imaging layer

that would provide an absorbance of at least 1.0 at the exposure wavelength used in a suitable photothermographic imaging apparatus.

(9) That all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. These statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: March 18, 2005

Bryan V. Hunt
Bryan V. Hunt